

### REMARKS

In the Office Action dated December 30, 2004, claims 13-15, 20-22, and 27 were rejected under 35 U.S.C. § 102 over “SIP Telephony Service Examples With Call Flows” (Sparks), claims 1-5 were rejected under § 103 over U.S. Patent Application Publication No. 2001/0015981 (Nelson) in view of Sparks; claims 6 and 10-12 were rejected under § 103 over Nelson in view of Sparks and U.S. Patent No. 6,731,642 (Borella); claims 16 and 23 were rejected under § 103 over Sparks in view of Nelson; claim 17 was rejected under § 103 over Sparks in view of Borella; and claims 24-26 were rejected under § 103 over Sparks in view of Nelson and Borella.

Applicant acknowledges the indication that claims 7-9, 18, and 19 would be allowable if rewritten in independent form. Claim 7 has been amended from dependent form to independent form, with the scope of the claim remaining *unchanged*, to place the claim in condition for allowance. A minor revision at line 13 of claim 7 was made to replace “call request” with “call requests” to improve form.

Claim 18 has also been amended from dependent form to independent form to place the claim in condition for allowance.<sup>1</sup> Note that the phrase “and third endpoint” was added to line 9 of claim 18 to provide better clarity that the communication of media occurs between the first endpoint and third endpoint.

Independent claims 7 and 18 are therefore allowable.

Claim 13 has been cancelled, without prejudice, to render the rejection of the claim moot.

Amended claim 1 is allowable over the asserted combination of Nelson and Sparks for at least the reason that the asserted combination of Nelson and Sparks does not teach or suggest that pivoting the second endpoint to the other endpoint causes media to be exchanged between the first endpoint and the other endpoint *without passing through the second endpoint*.

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<sup>1</sup> Claim 18 previously depended from claim 16. However, this was a clerical error and claim 18 should really have depended from claim 17. Thus, the subject matter of present claim 18 includes the subject matter of previous claim 13 (now cancelled) and claim 17.

As conceded by the Office Action, Nelson fails to disclose a controller that is able to pivot the second endpoint to one other endpoint in a call session, as recited in the claim. 12/30/2004 Office Action at 5. Instead, the Office Action relied upon the teachings of Sparks to provide this pivoting feature. Sparks describes, in Section 2.8 (cited by the Office Action) a three-way call conferencing feature in which User A calls User B, and then User B invites User C to the three-way call conference. User B mixes the audio streams originating at User A and User B – in other words, User B remains in the call to enable communication of media among Users A, B, and C. In fact, as taught by Sparks, if User B drops out of the call, “then the entire call is dropped.” Sparks, Section 2.8, line 3.

Thus, Sparks *teaches away* from the recited feature of claim 1 where pivoting of the second endpoint to the other endpoint causes media to be exchanged between the first and other endpoints *without passing through the second endpoint*. Sparks teaches that User B (second endpoint of claim 1) has to remain in the audio stream to perform the mixing function.

In view of the foregoing, it is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 1 for at least the reason that the hypothetical combination of Nelson and Sparks fails to teach or suggest all elements of the claim. Moreover, there existed no motivation or suggestion to combine Nelson and Sparks because Sparks teaches away from the claimed invention. *See* M.P.E.P. § 2143 (8<sup>th</sup> ed., Rev. 2), at 2100-129.

Independent claim 21 has been amended to recite that establishing a call session between a first endpoint and a second endpoint is performed to enable communication of media between the first and second endpoints through a portal; and pivoting the second endpoint to a third endpoint in the call session without exchanging call setup signaling with the first endpoint to enable communication of media between the first and third endpoints through the portal, where pivoting the second endpoint to the third endpoint comprises *updating address translation information in the portal to enable the pivoting*.

In view of the indication of allowability of claims 7 and 18, it is believed that this feature is both novel and non-obvious over the teachings of Sparks.

Dependent claims, including newly added dependent claims 28 and 29, are allowable for at least the same reasons as corresponding independent claims.

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Allowance of all claims is therefore respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0099US).

Respectfully submitted,

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